

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SUPER RITE FOODS, INC.,

Plaintiff,

vs

1:04-CV-209

FRESH FARMS MARKET, INC.; REGINALD A.  
SCOTT; GARY SHIELDS; and SCOTT  
VENTURES I, LLC,

Defendants.  
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APPEARANCES:

DAILY, MOONEY & GLASTETTER, LLP  
Attorneys for Plaintiff  
8 Thurlow Terrace  
Albany, NY 12203-1006

NOLAN & HELLER, LLP  
Attorneys for Defendant Reginald Scott  
39 North Pearl Street  
Albany, New York 12207

GORDON, SIEGEL, MASTRO,  
MULLANEY, GORDON & GALVIN, P.C.  
Attorneys for Defendant Scott Ventures  
Airport Park  
9 Cornell Road  
Latham, NY 12110

DAVID N. HURD  
United States District Judge

OF COUNSEL:

F. MATTHEW JACKSON, ESQ.  
JONATHAN D. DEILY, ESQ.  
RICHARD C. MAIDER, ESQ.

JUSTIN A. HELLER, ESQ.

HAROLD D. GORDON, ESQ.  
MELANIE J. LaFOND, ESQ.

**ORDER**

Plaintiff moved for summary judgment against defendant Reginald A. Scott.

Defendant Scott opposed. Oral argument was heard on December 9, 2005.

A decision granting plaintiff's motion was rendered from the bench. Plaintiff submitted supplemental affidavits in support of interest, attorneys' fees, and expenses. Defendant Scott submitted a letter in opposition.

The plaintiff has failed to make an adjustment for travel time. Therefore, 10% of each attorney's total hours will be considered travel time and will be calculated at 50% of the allowed rate. This results in a reduction of attorneys' fees of \$5,268.30.

Therefore, it is

ORDERED that

1. Plaintiff Super Rite Foods, Inc.'s motion for summary judgment against defendant Reginald A. Scott is GRANTED;

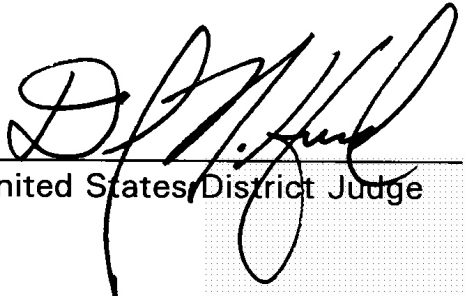
2. Plaintiff Super Rite Foods, Inc. is awarded the amount of \$498,980.70 against defendant Reginald A. Scott, comprising the Fresh Farms Market debt (\$427,126.61), and pre-judgment interest at nine percent (9%) per annum from May 13, 2004 through December 30, 2005 (\$71,854.09);

3. Plaintiff Super Rite Foods, Inc. is awarded the amount of \$109,682.20 against defendant Reginald A. Scott, comprising attorneys' fees (\$98,151.70) and expenses (\$11,530.50) from February 19, 2004 through November 28, 2005;

4. Plaintiff, Super Rite Foods, Inc., is awarded the aggregate amount of \$608,662.90 against the defendant Reginald A. Scott; and

5. The Bond posted in this matter is reduced to \$75,000.00.

IT IS SO ORDERED.

  
United States District Judge

Dated: December 30, 2005.  
Utica, New York.